

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:

Alto Maipo Delaware LLC, *et al.*,¹

Debtors

Chapter 11

Case No.: 21-11507 (KBO)

**CERBERUS' JOINDER TO DEBTORS' MOTION FOR AN ORDER
(I) APPROVING THE DISCLOSURE STATEMENT; (II) APPROVING
SOLICITATION AND VOTING PROCEDURES, INCLUDING (A) FIXING THE
RECORD DATE, (B) APPROVING THE SOLICITATION PACKAGES AND
PROCEDURES FOR DISTRIBUTION, (C) APPROVING THE FORM OF THE
BALLOTS AND ESTABLISHING PROCEDURES FOR VOTING,
AND (D) APPROVING PROCEDURES FOR VOTE TABULATION; (III)
SCHEDULING A CONFIRMATION HEARING AND ESTABLISHING NOTICE
AND OBJECTION PROCEDURES; AND (IV) GRANTING RELATED RELIEF**

Cerberus South American Investments, LLC, on behalf of certain funds and accounts managed or advised by it and its affiliates and its and their respective direct and indirect subsidiaries (collectively, “**Cerberus**”), as a Senior Lender,² submits this joinder (the “**Joinder**”) to the (a) *Debtors’ Motion for an Order (I) Approving the Disclosure Statement; (II) Approving Solicitation and Voting Procedures, Including (A) Fixing the Record Date, (B) Approving the Solicitation Packages and Procedures for Distribution, (C) Approving the Form of the Ballots and Establishing Procedures for Voting, and (D) Approving Procedures for Vote Tabulation; (III) Scheduling a Confirmation Hearing and Establishing Notice and Objection Procedures; and (IV) Granting Related Relief* [Docket No. 369] (incorporated herein by reference, the

¹ The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor’s tax identification number in the jurisdiction in which it operates, is Alto Maipo SpA (761-2) (Chile) and Alto Maipo Delaware LLC (1916) (Delaware). The location of the corporate headquarters and the service address for Alto Maipo SpA is: Los Conquistadores 1730, Piso 10, Santiago, Chile.

² Each capitalized term used herein but not otherwise defined herein shall have the meaning ascribed to it in the Debtors’ Reply.

“**Disclosure Statement Motion**”), (b) Debtors’ omnibus reply to the UST Objection and the Committee Objection (incorporated herein by reference, the “**Debtors’ Reply**”), filed contemporaneously herewith and (c) the Senior Lenders’ (as defined in the Senior Lenders’ Joinder (as defined below)) joinder and statement in further support of the Disclosure Statement Motion (incorporated herein by reference, the “**Senior Lenders’ Joinder**”), filed contemporaneously herewith. Cerberus adopts and incorporates by reference the arguments set forth in the Disclosure Statement Motion, the Debtors’ Reply and the Senior Lenders’ Joinder and in support thereof respectfully states as follows:

JOINDER

The Debtors’ Revised Disclosure Statement and Revised Plan (a) reflect the terms of the Fifth Amended RSA, which has the support of more than two-thirds of the Senior Lenders and (b) provide for the unimpairment of general unsecured creditors, which, collectively, render the lion’s share of arguments contained in the Committee Objection moot.³ The balance of the arguments set forth in the Committee Objection are issues properly addressed not at this stage but in connection with confirmation. Accordingly, for the reasons set forth in the Disclosure Statement Motion, the Debtors’ Reply, the Senior Lenders’ Joinder and hereinabove, Cerberus files this Joinder and respectfully requests that the Court enter an order approving the Disclosure Statement Motion.

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³ As set forth in detail in the Debtors’ Reply, the modifications implemented by the Revised Disclosure Statement and Revised Plan largely resolve the UST’s Objection.

Dated: April 4, 2022

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